

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-67-T - ORDER NO. 2007-286
APRIL 23, 2007

IN RE: Application of Dan L. Rapley, Sr. d/b/a)	ORDER DISMISSING
Rapley & Sons Moving, 17 South Greenwood)	APPLICATION TO
Avenue, Ware Shoals, South Carolina 29692)	AMEND CERTIFICATE
(District 3) for a Class E (Household Goods))	
Certificate of Public Convenience and)	
Necessity.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the motion of the Commission to dismiss the Application of Dan L. Rapley, Sr. d/b/a Rapley & Sons Moving (Rapley & Sons Moving or the Company) as the result of the failure of Rapley & Sons Moving to comply with certain rules of this Commission relative to the above-captioned docket.

On July 7, 2006, Rapley & Sons Moving filed with the Commission an application to amend Class E Certificate of Public Convenience and Necessity No. 9742¹ by expanding the Company's scope of authority under such Certificate. Subsequent to initial filings in the case, the Company submitted an amendment to its requested scope of authority, and the Commission's Docketing Department therefore prepared a revised Notice of Filing, which it provided to the Company by letter of February 20, 2007. By that letter, the Commission informed the Company of the publication requirements set forth in Commission Regulation 103-821(C)(3)(a). Rapley & Sons Moving was advised

¹ Rapley & Sons Moving was issued Class E Certificate of Public Convenience and Necessity No. 9742 for authority to transport household goods pursuant to Commission Order No. 2004-546, dated October 28, 2004.

that the (Revised) Notice of Filing was to be published no later than March 5, 2007, in a newspaper(s) of general circulation in the service area specified in its application. Rapley & Sons Moving was also informed that the original publishers' affidavits of this notice must be filed with the Commission no later than March 13, 2007. Additionally, Rapley & Sons Moving was further advised that failure to comply with the publication requirements may result in dismissal of its Application. The Docketing Department, by letter dated April 5, 2007, advised Rapley & Sons Moving that the Commission had not received the publisher's affidavits as of April 5, 2007, and requested that the Company respond to the letter in writing no later than April 11, 2007. Additionally, Rapley & Sons Moving was informed that this docket would be administratively closed if the Commission did not receive a response from the Company by this date. No response was received from Rapley & Sons Moving by April 11, 2007; therefore, this matter was brought before the Commission for disposition at its regularly scheduled agenda meeting on April 18, 2007.

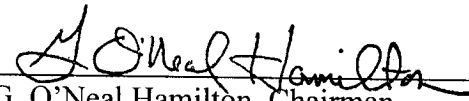
After due consideration, the Commission finds that Rapley & Sons Moving has failed to comply with the publication requirements as set forth in Commission Regulations 103-132 and 103-821(C)(3)(a) and that the Applicant's compliance with the publication requirements was clearly expressed to Rapley & Sons Moving as a condition precedent to proceeding in the processing of the application. We, therefore, find that Rapley & Sons Moving's application should be dismissed.

IT IS THEREFORE ORDERED:

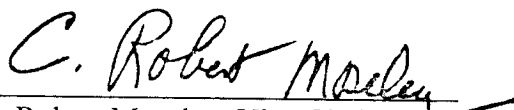
1. That the Application of Dan L. Rapley, Sr. d/b/a Rapley & Sons Moving to amend Class E (Household Goods) Certificate of Public Convenience and Necessity No. 9742 is hereby dismissed.

2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)